

Applicant: Sanchez, Eliezer
Serial No.: 10/625,862
January 9, 2006

REMARKS

Applicant notes and respectfully traverses the Notice of Non-Compliant Amendment dated December 8, 2005. Reconsideration is requested.

Pursuant to the Office Action of December 8, 2005, the Examiner finds Applicant's response to the Restriction Requirement dated August 1, 2005 non-compliant for purportedly failing to include markings showing changes made to the claim 1 and claim 12 and pointing out what claims read on the elected Figure 2. Applicant respectfully traverses the same. The Restriction Requirement was made on August 1, 2005 in response to Applicant's Amendment and Response to the first Office Action, dated August 11, 2004. Applicant's Amendment and Response to the first Office Action amended claim 1, as shown herein, and added claims 11-14. Accordingly, the changes made to claim 1 were of record at the time of the Restriction Requirement and Applicant's response thereto. In the Restriction Requirement, the Examiner required an election of a single disclosed species for prosecution on the merits as to Figure 1 and Figure 2 and claims 11 and 12. In its response, Applicant noted that Figure 2 merely added the control and monitor 32 and memory 34 over Figure 1 and that claims 11 and 12 merely expanded the scope of the independent generic claim 1. Accordingly, Applicant submitted that the restriction requirement was improper and respectfully requested reconsideration, but also elected to continue under Figure 2 and claim 11, which implied that all claims were directed to Figure 2. Therefore, Applicant respectfully submits that its Response to the Restriction Requirement was compliant

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Notwithstanding, Applicant has included the changes made to Claim 1 and Claim 12, although previously submitted. Applicant also clarifies its election of the Embodiment of Figure 2 and claim 11 for prosecution on the merits. Applicant also respectfully submits that claims 1-14 read on the elected Figure 2.

For the reasons indicated above, Applicant asserts that claims 1-14 are in condition for prosecution on the merits. Applicant respectfully requests reconsideration.

Please charge any fees owing and not covered by the enclosed payment to the undersign's deposit account No. 501708.

Should the Examiner have any concerns or comments, the undersigned would appreciate a telephone conference in order to expedite this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. P. Lhota', is written over a horizontal line.

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